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**A SUMMARY OF SELECTED BILLS
TRULY AGREED TO AND FINALLY PASSED**

**By The
88th General Assembly
Second Regular Session**



**Prepared By
Office of State Courts Administrator
July 1996**

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INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

Except for the bills marked "vetoed," all bills included in this summary have been signed by the Governor. Signed bills become effective August 28, 1996, unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

For a copy of any bill, please direct your request to:

Senate Bill Room
State Capitol
Jefferson City, Missouri 65101

House Post Office
State Capitol
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

SENATE BILLS

SB 489 DEPARTMENT OF CORRECTIONS PROGRAMS

Gives the Department of Corrections authority to promulgate rules and establish correctional treatment programs for offenders under age seventeen. The Department shall have the authority to determine the number of juvenile offenders participating in any treatment program depending on available appropriations, and shall have the authority to establish a regimented training program.

The court may order a child, who has been adjudicated for a nonviolent crime and is fourteen or older, to work for any employer for a period of time necessary to make restitution. 217.345, RSMo Supp. 1995

HCS SS SCS SB 494 PROBATE CODE REVISIONS

This bill makes numerous changes in the probate code in the areas of estate administration and the law of intestate succession. It includes the following provisions:

- 473.020 Allows any interested person, including a creditor, to petition for administration of the estate. Within 15 days the petition shall be set for hearing to determine who should be directed to apply for letters.
- 473.033 Allows the personal representative to send notice by ordinary mail to any creditor of the decedent, and in such cases, gives the creditor two months to file a claim.
- 473.050 Wills must be presented for, and admitted to, probate within specific deadlines, but once admitted, they may be probated at any time.
- 473.090 Allows the probate division, within its discretion at any time, to refuse to grant letters to spouse or creditor. The maximum value of an estate for granting refusal of letters to spouse or creditor is increased to \$15,000.
- 473.097 Clarifies that small estates may be administered by affidavit more than one year after the decedent's death. Changes language on the publication notice that Section 473.444 bars creditors' claims after one year after the death of decedent; previously gave creditors one month from the date of the first publication of notice.
- 473.213 Changes the amount of time from two years to one year, subsequent to the personal representative's discharge, upon which a proceeding upon the bond of the personal representative may be brought.
- 473.233 Requires more information to be included about real property on the inventory: "...the street address or approximate direction and distance from any city or town, and the popular name thereof, if any."
- 473.543 On a settlement, the personal representative does not have to support expenditures of \$75 or less by vouchers unless the court specifically requires them.
- 473.663 In a petition for determination of heirship, the petition shall include only the specified information if known by, or if it can with reasonable diligence be ascertained by, the petitioner.
- 473.823 Provides that the statutory schedule of compensation for a personal representative prescribed in Section 473.153 RSMo, shall be considered a minimum fee for services rendered; previously was "prima facie evidence of reasonable compensation."

HCS SS SCS SB 494 PROBATE CODE REVISIONS (Cont.)

474.010 Changes the intestacy law so that a surviving spouse receives all of the estate unless there are surviving issue.

474.290 Increases the homestead exemption from \$7,500 to \$15,000.

Section 1 Regulates the transfer of fiduciary obligations from one bank or trust company to another. **This bill has an emergency clause and was signed by the governor on 5/23/96.**

CCS HS HCS SS SB 560 TOWING ABANDONED VEHICLES

Changes the law on the towing of abandoned motor vehicles. There is a provision for an owner or lienholder to petition the court to determine if the vehicle was wrongfully taken or withheld from the owner. Owners and lienholders may petition the court to have the property released if a bond is posted. 301.140, 301.344, 301.566, 304.001, 304.155, 304.157 and 304.575, RSMo 1994 and 301.010 and 306.906, RSMo Supp, 1995

CCS HCS SCS SB 657 STEALING PENALTIES

Provides that the theft of any item of property or services under 570.030.3 which exceeds \$150 may be considered a separate felony and may be charged in separate counts. Persons with a prior conviction of stealing livestock who are subsequently convicted of the same crime when the value of the animal or animals stolen exceeds \$3,000 are guilty of a class B felony. 570.030, RSMo 1994

SCS SB 668 TRAFFIC VIOLATIONS

Requires courts to send records of traffic violations to Revenue instead of to the Highway Patrol, except for violations resulting in an SIS and violations for which no points are assessed. Provides that the time period without conviction for the purpose of reducing the points against one's driving record over time starts to run 30 days after the driver's last conviction. 302.225 and 302.306, RSMo 1994

SCS SB 719 CIRCUIT CLERKS' PAY RAISE

Requires circuit clerks to cooperate with the Division of Child Support Enforcement and local prosecutors in criminal nonsupport cases and grants a \$5,000 salary increase to all circuit clerks, except the City of St. Louis, starting in January, 1997. Starting in July 1998, the \$5,000 will be subject to COLA increases. This bill also contains provisions relating to county salary commissions and public administrators. 473.730, 473.733, 473.739, 473.747, 475.050 and 476.405, RSMo 1994 and 50.333, RSMo Supp. 1995

SB 720 ADMINISTRATIVE REVIEW

Permits litigants in some administrative review cases to file directly with the courts before the administrative hearing process is completed. Persons may bypass administrative claims and appeals if any of the following are present: the administrative agency has no authority to grant the relief requested; the only question presented is a constitutional issue or a question of law; or, requiring the person to exhaust their administrative remedies would result in irreparable harm to the person. 536.050, RSMo 1994

SB 721 OFFENDERS UNDER TREATMENT

Provides that, once Corrections notifies Probation and Parole that an offender has successfully completed an "Offender Under Treatment" program, the Board may release the offender on parole. The sentencing court no longer has a role in the decision. 217.364, RSMo 1994

CCS HS HCS SS SCS SB 722 SATOP/ZERO TOLERANCE

Will require that all DWI offenses be reported to the highway patrol; increase the amount of points to be assessed against a driver's license for certain alcohol-related offenses; provide for administrative penalties against the driver's license of individuals who are under 21 years of age who drive with a blood alcohol level of .02%; change the "within 1 1/2 hours" restriction for DWI violations not occurring in the presence of the arresting officer; include SATOP language and requirements in the DWI statutes; make changes in Springfield's forfeiture law; allow Revenue to conduct hearings relating to suspension or revocation by telephone; change the retirement age for municipal judges to seventy-five; require Revenue to expunge the records of minors guilty of violating the zero tolerance law after two years; allow traffic court judges in St. Louis County to hear petitions to review Revenue decisions related to hardship licenses; and provide that clerks no longer are required to send notice of participation in an alcohol-related traffic offenders program to the highway patrol.

The legislation will expand the pool of associate circuit judges available to hear municipal cases by changing the limitation from an associate circuit judge of the county to one from the circuit.

The legislation will also allow an individual who objects to the assessment recommendations relating to SATOP to file a motion in associate circuit court to have the court review such assessment. The court shall approve or reject the recommended assignment.

The legislation will add an additional traffic judge in St. Louis County.

The legislation will give jurisdiction over hardship driving applications to the courts and the Department of Revenue.

The legislation also provides that, if a judge upholds Revenue's suspension or revocation ruling pursuant to 302.535.1 and the person appeals such ruling, the department shall pay any court costs and attorney fees the person incurs pursuant to such appeal if the court reverses the department's ruling. 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.535, 302.540, 302.541, 479.020, 479.040, 577.001, 577.012, 577.020, 577.021, 577.037, 577.039, 577.041, 577.049, 577.520, and 577.525, RSMo 1994 and 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995

HCS SS SCS SB 723 & 891 NEIGHBORHOOD IMPROVEMENT DISTRICTS/COUNTY SALARY COMMISSIONS/COMMON LAW LIENS

Among numerous unrelated provisions, this bill authorizes a cause of action for the recording of a false nonconsensual common law lien against real property. Filing officers may reject for filing such liens, and if a false lien has been accepted for filing, corrective provisions through the submission of a "Notice of Invalid Lien" are provided. Filing a nonconsensual common law lien is a class B misdemeanor. The provisions relating to nonconsensual common law liens contain an emergency clause. 77.140, 99.430, 441.020, 473.739, 535.185 and 575.128, RSMo 1994 and 50.333, 67.400, 67.455, 67.457, 67.459, 67.461 and 67.475, RSMo Supp. 1995

HS SB 768 MISSOURI FAMILY TRUST

This bill contains numerous provisions relating to charitable gift annuities, the Missouri Family Trust, and not-for-profit corporations. It also prohibits same sex marriages.

The bill would allow a probate court to place a disabled child's inheritance, or the proceeds from a settlement, directly into the Missouri Family Trust. The bill will allow a court to authorize the establishment of a trust for the benefit of a protectee if the court finds the protectee qualifies as a life beneficiary and that the establishment of such trust would be in the protectee's best interest. 355.176, 355.331, 402.215, and 473.657, RSMo 1994

HCS SB 769 CRIME VICTIMS' COMPENSATION FUND

Effective 10/1/96, alters the distribution of fees paid to the Crime Victims' Compensation Fund and the Services to Victims' Fund.

Includes violations of the Fish and Game laws where the \$5.00 fee is assessed.

Eliminates certain crimes, including littering, abandoning a motor vehicle, abandoning an airtight container, and corrupting or diverting a water supply from the crimes where an additional \$10.00 fee had been assessed. 595.025 and 595.045, RSMo 1994

SB 777 DOMESTIC VIOLENCE COSTS

Provides that no victim of domestic violence shall be required to pay any court costs associated with prosecuting such an offense or costs for actions related to such an offense.

SB 781 PRISONER REIMBURSEMENT

Increases the amount of jail costs reimbursable to the counties by the state from \$20.00 per day per prisoner to up to \$37.50 per day per prisoner, effective July 1, 1997, subject to appropriations. 221.105, RSMo Supp, 1995

SB 830 PRIOR AND PERSISTENT DRUG OFFENDERS

Clarifies that drug offenders who are convicted of violations of §195.211 punishable as class B felonies are subject to class A felony punishments if found to be prior or persistent offenders. 195.291, RSMo 1994

SB 850 FRESH PURSUIT POWERS

Expands the out-of-state police officers' fresh pursuit powers into Missouri to cases where the officer believes someone is driving while intoxicated or driving with excessive blood alcohol content. 544.155, RSMo 1994

HS HCS SCS SB 884 & 841 INVOLUNTARY CIVIL COMMITMENT

This is a comprehensive bill relating to mental health. The bill makes numerous changes to the civil involuntary commitment laws and outpatient involuntary mental health treatment including the following:

HS HCS SCS SB 884 & 841 INVOLUNTARY CIVIL COMMITMENT (Cont.)

changes the definition of a mental health program; provides patients, residents or clients the right to an impartial administrative review of their complaints or grievances; increases the penalty for patient, resident or client abuse or neglect from a class A misdemeanor to a class D felony in certain cases; changes the definition under which a person may be committed involuntarily to a mental hospital; creates an outpatient method for detention and treatment for persons suffering from mental disorders or illnesses; and, allows the head of the mental health facility or a mental health coordinator to file a petition for outpatient detention and treatment for a period not to exceed 180 days.

Also included are the following provisions relating to persons who are found not guilty by reason of insanity: requires persons committed to be placed in a secure facility until granted a release by the court; expands the list of offenses for which the burden of persuasion is placed upon the person seeking release from a mental health facility after being found not guilty by reason of insanity; deletes the provision requiring only a "preponderance of the evidence" standard of proof when a committed person's unconditional release is sought by another party; lengthens the waiting period to one year for filing another application for unconditional release after being denied such an application; requires the application for release of the committed person found not guilty by reason of insanity to be filed in the committing court when the person was charged with murder, sexual assault or a dangerous felony; requires all prosecutors involved in the case to be notified of an application for release; allows any party objecting to the release of the committed person to file written objections within 30 days of the notice of release; and permits a court which has ordered a conditional or trial release to issue an arrest warrant on charges of violating terms of the release.

The bill adds second degree burglary, first degree murder, voluntary manslaughter and the attempt to commit any of these crimes to the list of crimes for which a victim is afforded certain rights without having to file a written request.

The bill provides changes in the use of monies in the "Mental Health Earnings Fund." 552.040, 595.209, 630.110, 630.115, 630.125, 630.140, 630.150, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.192, 630.200, 630.615, 630.620, 630.710, 630.805, 631.110, 631.115, 631.120, 631.135, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.360, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994 and 630.005 and 630.053, RSMo Supp. 1995

HOUSE BILLS

HB 773 OPERATOR'S LICENSE

In any action to suspend or revoke a license or driving privilege, points must be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed may be closed until such time as a copy of the record of such conviction is forwarded to the Department of Revenue. 302.304, RSMo 1994

CCS SS SCS HB 974 SEX OFFENDERS

Creates a series of enhanced penalties and mandatory sentences for persons found to be a "persistent sexual offender" or a "predatory sexual offender." Prohibits granting probation to persons convicted of forcible rape, forcible sodomy, or an attempt to commit those crimes. Requires offenders who are guilty of first degree statutory rape and first degree statutory sodomy to participate in the Missouri Sexual Offender Program.

CCS SS SCS HB 974 SEX OFFENDERS (Cont.)

The bill also prohibits the judge from placing an offender on probation at any time up to 120 days after the offender has been placed with Corrections, as now allowed, if the offender has been found guilty of forcible rape, forcible sodomy or an attempt to commit those crimes. Requires the judge to request an assessment from Corrections when granting probation to certain other sex offenders. 557.036, 558.018, 558.021, 559.115 and 589.015, RSMo 1994 and 566.607 and 566.610, RSMo Supp. 1995

HB 992 UNIFORM INTERSTATE FAMILY SUPPORT ACT

This bill amends Chapter 454, RSMo, the Uniform Reciprocal Enforcement of Support Law (URESAL) by adding fifty-five new sections entitled the Uniform Interstate Family Support Act (UIFSA). In all cases filed prior to January 1, 1997, URESAL shall apply. In all cases filed after January 1, 1997, UIFSA shall apply.

The Division of Family Services may notify the Missouri court of a court order from another state which has ordered support payments to a person who resides or works in that county. Upon such notice the circuit clerk shall accept all support payments and remit such payments to the person or entity entitled to receive the payments. There are procedures for the registration and enforcement of child and spousal support orders.

The bill provides that the courts and the division of child support enforcement are the "tribunals" of this state. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator under eight specific circumstances.

A tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

Rules are established relating to reconciliation with orders of other states.

Employers are obligated to withhold income of an obligor based on another state's order.

The bill specifies which order must be recognized in cases where there are multiple child support orders.

The bill provides procedures for the extradition of individuals who are charged criminally in other states for failing to support an obligee.

CCS SS #2 SS HB 1047 TRAFFIC VIOLATIONS

This bill revises the speed limits as follows:

- | | |
|---|-------|
| ▶ Rural Interstates and Freeways | 70mph |
| ▶ Rural Expressways | 65mph |
| ▶ Urban Interstates, Freeways and Expressways | 60mph |
| ▶ 2-lane Numbered Highways | 60mph |
| ▶ 2-lane Lettered Highways | 55mph |

The Highways and Transportation Commission may set some limits above or below those provided above.

The bill makes numerous changes to traffic regulations including: a speeding violation which is over the posted speed limit by five miles per hour or less is an infraction, however, court costs may be assessed as

CCS SS #2 SS HB 1047 TRAFFIC VIOLATIONS (Cont.)

for misdemeanors; speeding violations between five and twenty miles over the limit are a class C misdemeanor; twenty miles or more over the limit is a class B misdemeanor; no points shall be assessed for any speeding violation which is over the posted limit by five miles per hour or less; a court may issue a warrant for failure to appear for any infraction; numerous traffic violations that had previously been classified as misdemeanors are now class C misdemeanors or infractions; courts can no longer collect court costs on "driving without a license" violations; careless and imprudent driving is a class B misdemeanor, unless the individual is involved in an accident, then it is a class A misdemeanor.

Additionally: peace officers' powers of arrest are expanded to include arresting someone on view for a suspected infraction; an individual arrested or charged with an infraction who fails to appear may be required to pay a fine of not more than \$500 and may be subject to imprisonment; the crime of resisting or interfering with arrest is expanded to include circumstances involving an officer's attempt to lawfully detain or stop an individual or vehicle or where the person resisting or interfering with the arrest reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle.

The provisions relating to speed limits and allowing a warrant to be issued for failure to appear on an infraction contain an emergency clause and became effective when the governor signed the bill on March 13. The other provisions of the legislation will become effective on August 28, 1996.

HB 1086 INSTITUTIONAL VANDALISM

Lowers the amount of damage necessary for felony institutional vandalism from \$2,000 to \$1,000 for a class D and from \$10,000 to \$5,000 for a class C felony. 574.085, RSMo 1994

CCS SCS HS HCS HB 1169 & 1271 SATOP/ZERO TOLERANCE FOR MINORS

This bill is the same as SB 722, summarized above.

HB 1208 FLEXIBLE BENEFIT PLAN

Establishes, subject to appropriations, a flexible benefit plan for state employees that will include, but not be limited to, medical coverage, life insurance, dental plans, vision plans and plans for retirement savings. Employees are required to maintain a minimum level of health care and retirement benefits. Chapter 105

CCS SCS HS HCS HB 1301 & 1298 SAFE SCHOOLS

This bill includes numerous provisions relating to schools, students, school bus drivers, and crime reporting involving students. It provides changes in discipline policies in public schools including expulsion of pupils who possess a weapon on school property; extends drug free zones from 1,000 to 2,000 feet from school property or any school bus; requires schools to report certain acts of violence to law enforcement; changes the requirements for public school registration, with a penalty provision; requires juvenile officers to notify school officials when a juvenile is charged with certain crimes; and, creates a series of crimes involving assault of school personnel.

The bill also makes it a crime to possess ephedrine with the intent to manufacture methamphetamine and makes it a crime to market ephedrine except under federal guidelines; increases the penalty for making a false bomb report; and allows the court to order a juvenile over the age of fourteen to work for any employer at a rate of compensation not to exceed the minimum wage, for a period of time necessary to make restitution for the damage or loss caused by an offense. 162.680, 195.017, 195.214, 302.272, 574.085 and 575.090, RSMo 1994 and 160.261, 167.161, and 167.171, RSMo Supp. 1995

HB 1315 DRIVERS LICENSE TO INCLUDE COUNTY

Provides that a driver's license contain information that includes the county of residence or a code number corresponding to such county established by the Department of Revenue, effective 11/1/96. 302.181, RSMo 1994

HB 1361 JUDICIAL RETIREMENT

Extends to current judges who were eligible to retire prior to August 28, 1995, the right to a prior service credit for the purpose of application of COLAS for judicial service for the period between the date of eligibility and August 28, 1995. 476.690, RSMo Supp. 1995

HB 1369 EMERGENCY VEHICLES

Includes State Water Patrol and State Park vehicles among the types of vehicles considered emergency vehicles. 304.022, RSMo

HB 1554 SMALL CLAIMS LIMITATIONS

Changes the number of claims that can be filed in one year from six to eight. 482.330, RSMo 1994

HB 1619 FAMILY COURT COMMISSIONERS

In IV-D cases, the findings and recommendations of the commissioner shall become the judgment of the court when adopted and confirmed by an order of the judge. In cases which are not IV-D cases, findings and recommendations of the commissioner shall become the judgment of the court when entered by the commissioner. Notice of the findings of the commissioner may be sent by regular mail.

Also provides that, if a motion for a rehearing is not ruled on within 45 days after the motion is filed, it is denied for all purposes.

Clarifies that family court commissioners can hear child and adult order of protection cases. 455.030, 455.035 and 455.510, RSMo 1994, and 455.010, 455.501, 455.513, and 487.030, RSMo Supp. 1995
This bill has an emergency clause and was signed by the governor on 5/15/96.

ADDENDUM

HS HCS SS SCS SB 869 COURT COSTS

This is a comprehensive revision of the statutes relating to court costs. The bill is summarized below, by statute. This summary was provided by Larry Weber, counsel at the Supreme Court.

- 3.150 Directs revisor of statutes to codify all court costs into one chapter of Missouri statutes.
- 14.040 Deletes requirement that court clerks collect \$3.00 charge for federal tax liens.
- 32.042 Allows civil summons to be served upon the Department of Revenue by mail.
- 56.310 Repealed. Prosecutors no longer receive fees for criminal cases, but counties currently receive these costs. This section is accordingly amended and recodified as a fee payable to the county (the current disposition of this fee) at Section 67.133.
- 56.765 Amends prosecutors' training fund section with standard court costs language.
- 57.280 Sheriffs' civil fees are amended to provide a \$20 charge for serving all documents, other than subpoenas, for which the charge will be \$10. Sheriffs will also receive the IRS mileage reimbursement rate for their actual mileage.
- 57.290 Sheriffs' criminal fees are amended to provide a flat fee for criminal cases in the amount of the average criminal cost bill attributable to sheriffs' fees (\$75), and the various components which currently make up the criminal fee are eliminated. Sheriffs will also receive the IRS mileage reimbursement rate for their actual mileage.
- 57.300 Repealed, content subsumed in amended Sections 57.280 and 57.290.
- 57.955 Sheriffs' retirement amended with standard court costs language, present surcharge of \$2 civil/\$3 criminal case equalized to \$3 for all cases. City of St. Louis is specifically excepted from collecting this surcharge.
- 66.110 Amended to include standard court costs language; reference to prosecutors' fee deleted (see Section 56.310).
- 67.133 Recodification of current prosecutors' fee from Section 56.310, amended to reflect current disposition of this fee to counties. The "County Officers Compensation Fund" and accompanying court costs originally contained in this section were declared unconstitutional by the Supreme Court in Harrison v. Monroe County, 716 S.W.2d 263 (Mo banc 1986). City of St. Louis is specifically excepted from collecting this surcharge.
- 98.330 Amended to delete language that is inconsistent with both other current court costs language and court costs language enacted by this bill.
- 141.380 Amended to delete language allowing circuit clerk to collect a 10 cent fee for separate parcels of property joined in a property tax appeal suit.
- 193.205 Deletes provisions allowing circuit clerk to collect \$2 fee in connection with "certificates of dissolution of marriage" filed accompanying petitions for dissolution of marriage. These provisions can be offset by modifications of fees accompanying the petition.

HS HCS SS SCS SB 869 COURT COSTS (Cont.)

- 208.215 Allows judge to determine respective interest of civil claimant and Department of Social Services as subrogee in a state Medicaid subrogation claim.
- 208.220 Allows Commission of Administration to deduct public assistance debts due the state from state employee paychecks.
- 210.160 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 210.842 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 302.137 Amended to provide that punitive assessments in favor of the Motorcycle Safety Trust Fund will be assessed as judgments rather than court costs.
- 429.090 Amended to remove language relating to fees charged upon filing of mechanics' liens; recodified in Section 1.
- 429.120 Amended to remove language relating to fees charged upon filing of mechanics' liens releases; recodified in Section 1.
- 442.035 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 452.330 Removes language allowing the filing fee paid to the recorder of deeds to perpetuate the terms of a decree of dissolution of marriage, to be taxed as court costs.
- 452.345 Amended to remove language relating to annual fees for maintaining records of non-IV-D child support payments; recodified in Section 2.
- 452.395 Deletes language allowing taxation of costs of any person whose presence is requested by the court in custody proceedings. These same costs may be assessed as a judgment against any party to the proceedings.
- 452.402 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 452.423 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 452.490 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 452.610 Provides that court costs for educational sessions in custody cases may be evidenced by a judgment rather than taxing the amount of such fees as court costs.
- 455.030 Requires Supreme Court to establish guidelines to ensure that adult abuse petitions can be filed on evenings, weekends and holidays.
- 455.040 Amends current law relating to duration of adult abuse protective orders, by extending minimum duration to 180 days, and maximum duration to one year. Current maximum duration is 180 days.

HS HCS SS SCS SB 869 COURT COSTS (Cont.)

- 455.205 Provides that local ordinances adopting surcharges for benefit of domestic violence shelters must be adopted by January 1, 1997; adds standard court costs language.
- 473.233 Requires probate inventory list real estate by street address in addition to the legal description.
- 473.420 Repeals outdated court costs language relating to costs associated with certain jury trials.
- 473.618 Amended to remove language relating to court costs charged when filing of requests for notice of final or partial distribution in probate proceedings; recodified in Section 3.
- 474.510 Amended to remove language relating to court costs charged for filing of wills for safekeeping in probate court; recodified in Section 4.
- 476.053 Amends court automation surcharge to add standard court costs language.
- 478.268 Allows appointment of a probate commissioner in the 30th Judicial Circuit (apparent error; bill was intended to allow appointment of a probate commissioner in the 31st Judicial Circuit (Greene County)).
- 478.321 Renumbers associate circuit divisions in the 16th Judicial Circuit (Jackson County); establishes a new associate circuit judge position in the 16th Circuit upon completion of two new courtrooms in the Independence courthouse.
- 478.377 Establishes a new circuit judge position in the 6th Judicial Circuit (Platte County) upon completion of a new jail or law enforcement center.
- 478.401 Current section pertaining to St. Louis City Civil Courts Building Restoration Fund amended to incorporate standard court costs language.
- 479.020 Restores provisions amended in 1993 to require municipal judges to retire at age 75, rather than age 70.
- 479.260 Amended to add standard court costs language to municipal court costs. Municipal court costs will continue to be disbursed by the municipal court clerk, except for those court costs disburseable to entities other than the municipality, which may be disbursed by the central collections unit (see Section 514.015.4).
- 479.261 Provides that local ordinances adopting surcharges for benefit of domestic violence shelters must be adopted by January 1, 1997; adds standard court costs language.
- 482.345 Amended to incorporate standard court costs language into section setting court costs for small claims cases.
- 483.310 Provides that funds in court registry accounts which are not court costs as defined by the bill (and therefore outside the scope of the bill) shall be continued to be held and invested in the same manner currently provided by law.
- 483.312 Provides that funds in court registry accounts which are not court costs (and therefore outside the scope of the bill) shall be continued to be held and invested in the same manner currently provided by law.
- 483.500 Incorporate standard court costs language for Supreme Court and appellate court fees.

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- 483.505 Amends section to allow automated accounting for Supreme Court fees.
- 483.510 Amends section to allow automated accounting for appellate court fees.
- 483.530 Incorporates standard court costs language for associate circuit court cases.
- 483.535 Incorporates standard court costs language for court clerks performing certain actions with respect to naturalization cases.
- 483.545 Repealed, language recodified in Section 514.015.5(4).
- 483.550 Amends section relating to who collects court costs to reflect system of centralized filing being used in various courts.
- 483.580 Incorporates standard court costs language for probate cases.
- 483.591 Amends current law relating to Greene County judicial facility to incorporate standard court costs language.
- 485.130 Repeals section of law allowing court reporters to unilaterally hire deputy court reporters (there are currently no deputy court reporters).
- 485.150 Repeals outdated language allowing special court reporters for homicide cases heard in associate circuit courts.
- 487.170 Amends section relating to special court costs in family court cases to incorporate standard court costs language.
- 490.130 Allows use of electronic records as evidence in court proceedings taken from the automated recordkeeping system.
- 491.280 Allows courts to set the amount of witness fees pursuant to guidelines to be promulgated by the Supreme Court.
- 492.590 Provides deposition costs shall be awarded as a judgment in favor of a prevailing party rather than taxing such sums as costs.
- 494.456 Repeals surcharge currently payable to county in jury trial.
- 494.480 Amends current section providing that if a defendant pleads guilty subsequent to impaneling a jury, that the defendant shall be liable for the costs associated with impaneling the jury, from treating such costs as court costs to treating such costs as a judgment in favor of the county against the defendant.
- 494.490 Allows parties to civil cases in circuit courts to agree to juries of not less than 8 members.
- 506.140 Provides that service of process fees shall be awarded as a judgment in favor of a prevailing party rather than taxing such sums as costs.
- 506.320 Repeals provision taxing secretary of state's special service as court costs to a successful plaintiff.
- 508.200 Repeals provisions for sheriffs to collect outstanding court costs bills (new collection provisions included in Section 514.015.7).

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- 508.210 Repeals provisions allowing court clerks to collect outstanding court costs by civil action (new collection provisions included in Section 514.015.7).
- 508.220 Repeals special court costs for change of venue.
- 508.230 Repeals language regarding disbursement of special court costs for change of venue.
- 511.510 Amends section of law providing for abstracting circuit court judgments to remove 25 cent fee (currently not collected) and to update other language in section.
- 512.050 Amended to require transcript charges to be paid within ten days of filing a notice of appeal.
- 514.005 Requires locally-adopted surcharges (Sections 211.342, 455.205, 479.261, 483.591, 514.440-514.460; **but see**, 590.140) to be adopted by January 1, 1997.
- 514.010 Repeals section requiring prepayment of court costs or a deposit securing payment of such court costs (new prepayment/deposit provisions contained in Section 515.015.7).
- 514.015 Subsection 1 - Incorporates uniform definitions for fees, miscellaneous charges, surcharges and court costs adopted by Conference of State Court Administrators.

“court costs” - total of fees, miscellaneous charges and surcharges;

“fees” - the amount charged for services to be performed by the courts, used to pay a portion of the costs of the judicial system;

“miscellaneous charges” - amounts charged for services performed by individual or entities other than the courts;

“surcharges” - additional amounts allowed by law for specific purposes designated by law.

Subsection 2 - Provides that procedures for court costs collection contained in this section shall commence on July 1, 1997, and that court costs incurred prior to that date shall be collected under current law.

Subsection 3 - Allows Supreme Court to change the amount of court costs in amount necessary to produce revenues which shall not exceed the proportion of the costs of the judicial system currently defrayed by court costs.

Subsection 5 - Changes in the amount of court costs are limited to the fluctuations in the amount of court costs annually collected, to a maximum change of 4%/year. However, the bill provides that the amount of surcharges and miscellaneous charges may not be increased. The Supreme Court shall publish a schedule of court costs to be charged in each jurisdiction, based on the total of the fees, miscellaneous charges and surcharges due in each jurisdiction. Fee changes shall be promulgated prior to January 1 of any year, and shall take effect on July 1 of that year. The General Assembly may annul or amend the proposed fee change in the manner provided by the Constitution for annulling or amending Supreme Court rules.

Subsection 6 - Allows adoption by July 1, 2000, of a centralized court cost collection and disbursement mechanism. All or certain court costs revenues may be centrally collected, invested and disbursed outside of the state treasury.

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Subsection 7 - Provides priority of disbursements from centralized court costs collection mechanism. Interest from the central fund would be disbursed, 60% to local courts and 40% to defray the cost of the centralized court costs mechanism.

Subsection 8 - Allows Supreme Court to specify accounting standards and guidelines for court costs collection.

Subsection 9 - Requires prepayment of actual court costs, or if the amount of such costs cannot be determined, a deposit to secure payment of such costs. Provides collection mechanisms for unpaid court costs, including dismissal of the action, withdrawal of any non-final judgment, offset against state debts, and imposition of liens upon property or intangibles and execution upon such liens.

- 514.020 Repeals outdated section requiring a deposit securing payment of court costs if a resident plaintiff becomes a nonresident during the pendency of a lawsuit.
- 514.290 Repeals outdated section requiring court clerks to pay costs associated with correction of a previous court costs bill.
- 514.303 Provides that costs associated with judicial execution and sale of property shall be awarded as a judgment rather than taxed as costs.
- 514.320 Repeals section providing for criminal penalties for clerks issuing certain unlawful fee bills.
- 514.330 Repeals portions of section providing for collection by sheriffs of unpaid court costs bills (new collection provisions contained in Section 514.015.7).
- 514.335 Provides that guardian ad litem fees will be evidenced by a judgment in favor of the guardian rather than taxing the amount of such fees as court costs.
- 514.440 Amends section relating to law library surcharges to incorporate standard court costs language; provides that law library surcharges can be adopted in any circuit and that local court rules instituting law library fees must be adopted by January 1, 1997.
- 514.450 Amends section relating to law library surcharges to incorporate standard court costs language.
- 514.460 Provides law library surcharge collected as part of a cost deposit can be collectible by a prevailing party as a judgment in that party's favor.
- 514.470 Repeals law library surcharge language inconsistent with Sections 514.440-514.460.
- 514.475 Repeals law library surcharge language inconsistent with Sections 514.440-514.460.
- 514.480 Repeals law library surcharge language inconsistent with Sections 514.440-514.460.
- 514.490 Repeals law library surcharge language inconsistent with Sections 514.440-514.460.
- 517.151 Amends standard court costs language to section providing for filing transcripts of judgment to evidence judgment in certain associate circuit court cases.
- 531.010 Allows a majority of the circuit and associate circuit judges to file a quo warranto against a member or employee of the judiciary in that circuit, rather than requiring the filing of such actions by the attorney general or a prosecutor at the relation of a person.

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- 550.260 Amends section dealing with criminal costs bills to incorporate standard costs language; allows the state to withhold amounts due the state before payment of indigent criminal costs bill before payment of such bills to the court clerk.
- 550.300 Amends section dealing with criminal costs bills to incorporate standard costs language.
- 559.027 Provides that probation revocation hearings are proceedings independent of the original criminal proceeding or trial.
- 559.029 Allows criminal cases under probation supervision to be transferred to another judge.
- 561.035 Extends surcharge payable to independent living centers to apply to all crimes; reduces amount of surcharge to avoid excess revenues from collection of surcharge.
- 575.130 Amends current criminal proscription against simulating legal process by establishing that filing a nonconsensual common law lien (see Sections D-1-7) is a class B misdemeanor.
- 590.140 Amends current section relating to peace officer training to incorporate standard court costs language and to require adoption of local ordinance establishing surcharge prior to December 1 of the year preceding the state fiscal year in which such surcharge is to be collected.
- 595.045 Amends current section relating to crime victims' compensation to incorporate standard court costs language and language from 1996 Truly Agreed To SB 769.
- 630.167 Allows Departments of Social Services and Mental Health to share information in abuse and neglect cases, with each other, law enforcement officers and public health officers.
- Section 1 Contains language relating to court costs in mechanics' lien cases recodified from Sections 429.090 and 429.120.
- Section 2 Contains language relating to court costs for collection of child support by court clerks recodified from Section 452.340.
- Section 3 Contains language relating to court costs collected for requests for notice of probate distribution recodified from Section 473.619.
- Section 4 Contains language relating to court costs collected when a will is deposited for safekeeping recodified from Section 474.510.
- Section 5 Provides that venue for civil actions involving the St. Louis City Board of Police Commissions is proper in the circuit court in St. Louis City.
- Section 6 Creates "State Court Administration Revolving Fund" to allow judicial personnel to pay for state-provided training.
- Section 7 Allows appointment of a drug commissioner in the Jackson County Circuit Court, to be paid by local drug tax proceeds. Requires collection of a \$30 surcharge in drug commissioner cases, payable to the drug commissioner for operation of the drug court.
- Section 8 Allows creation of a centralized bureau for collection of fines for traffic, safety, watercraft, and fish and game violations. Contains permissive language allowing counties to opt into a county-by-county system for centralized collection of traffic, boating, and fish and game fines.
 - a. a panel of associate circuit judges shall specify schedule of fines for such violations.

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- b. The associate circuit judges of each county may opt into the centralized bureau system.
- c. Supreme Court shall establish a centralized bureau to collect fines pursuant to the schedules of fines.
- d. Can plead nolo contendere by paying fine and court costs to centralized bureau, or can send plea of not guilty to centralized bureau and obtain a trial date.
- e. Interest earned on fines collected by centralized bureau will be appropriated for purposes relating to administration of the judiciary.
- f. All of current procedures for failure to appear and dispose of violation apply to these procedures as well, including suspension of drivers' licenses and criminal charges for failure to appear.

Section 9 Provides that victims of domestic violence crimes shall not be required to pay any cost associated with filing criminal charges or with any protective order against the perpetrator.

Section 10 Provides an additional court cost of up to \$10 distributable to the counties in the 30th Judicial Circuit (Dallas, Polk, Benton, Hickory and Webster Counties) for construction of a juvenile detention facility if adopted by local ordinance prior to January 1, 1997. This section shall expire on January 1, 2005.

Sections D-1-7 Provide procedures to refuse to accept for filing or to eliminate after filing nonconsensual liens from public records, with penalty provisions for filing such purported liens. "Nonconsensual common law lien" is defined by Section 1(3) as a document purporting to evidence a lien against real or personal property that is not provided for by statute, does not depend on the consent of the property owner, and is not imposed by a court having jurisdiction. See also Section 575.130.